

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacy License of

COON RAPIDS PHARMACY
License No. 487
Respondent

CASE NO. 2018-168

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Coon Rapids Pharmacy ("Respondent"), 515 Main St, Coon Rapids IA 50058, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C (2018), and 657 IAC 36.

A. STATEMENT OF CHARGES

COUNT I

FAILURE TO SECURE PHARMACY IN ABSENCE OF PHARMACIST

1. Respondent is charged with not securing the pharmacy department from public access during the temporary absence of a pharmacist in violation of 657 IAC 6.7(2)"a", and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(21).

COUNT II

ALLOWING PROHIBITED ACTIVITIES IN ABSENCE OF PHARMACIST

2. Respondent is charged with dispensing prescription drugs to patients during the temporary absence of a pharmacist in violation of 657 IAC 6.7(3)"a", and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(21).

COUNT III

UNREGISTERED PHARMACY SUPPORT PERSON

3. Respondent is charged with employing a person to assist a pharmacist with nontechnical functions associated with the practice of pharmacy who is not currently registered as a pharmacy support person and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(27).

B. FACTUAL CIRCUMSTANCES

4. Respondent's pharmacy license number 487 is currently active through December 31, 2019.

5. On December 27, 2018, a Board compliance office went to Respondent's pharmacy for purposes of conducting a routine inspection.

6. When the Board compliance officer arrived, the pharmacist was not present but the door to the pharmacy department was open.

7. An employee who was present in the front end of the store indicated that she fielded phone calls for refill prescriptions and sold refill prescriptions when the pharmacist was absent. The employee did not hold any type of license or registration from the Board.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

8. The Board has jurisdiction over the parties and the subject matter of these proceedings.

9. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

10. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

11. Respondent acknowledges that it has the right to be represented by counsel on this matter.

12. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

13. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

14. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

15. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

16. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

17. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

18. Respondent's license is hereby placed on **PROBATION** for a period of one (1) year, subject to the following terms:

- a. Within thirty (30) days of this Order, Respondent shall pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.
- b. Within thirty (30) days of this Order, Respondent shall submit copies of updated policies and procedures governing the pharmacy-related activities of store employees and the handling of temporary absences of the pharmacist to the Board. Respondent shall implement and adhere to such policies and procedures.
- c. Within thirty (30) days of this Order, Respondent shall submit pharmacy support person registration or technician registration applications for any employees who assist the pharmacist with functions associated with the practice of pharmacy, or submit an attestation that the employees will not be performing any tasks that require a pharmacy support person or technician registration.
- d. Respondent shall perform quarterly self-inspections and shall submit the self-inspection reports to the Board after each inspection. The quarterly inspections shall be submitted on or before July 31, 2019, October 31, 2019, January 31, 2020, and April 30, 2020.
- e. Respondent shall appear before the Board upon request for purposes of evaluating performance of the probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- f. Respondent shall abide by all state and federal laws and regulations governing the practice of pharmacy. Respondent shall operate in accordance with its policies and procedures.
- g. Any documentation required to be submitted shall be emailed to Amanda.Woltz@iowa.gov by the specified deadline unless otherwise directed.

By the signature below, Dan Pomeroy, R.Ph. acknowledges s/he is the _____ for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

3/27/19
Date

Dan Porrewoy, R.Ph.
COON RAPIDS PHARMACY
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 2 day of May, 2019.

[Signature]
Chairperson
Iowa Board of Pharmacy